

## REMARKS

This Amendment is filed in response to the Final Office Action mailed February 23, 2010. In this After Final Amendment, claims 1, 50 and 66 are amended and claims 15-22 are canceled. Following entry of this amendment, claims 1, 6-13 and 48-66 shall be pending.

In the Final Office Action, claims 1, 6-13 and 48-66 have been rejected based on prior art grounds. For the reasons set forth below, these rejections are hereby traversed.

### I. WITHDRAWN CLAIMS

Previously withdrawn claims 15-22 have been canceled without prejudice in an effort solely to expedite prosecution of this application.

### II. REJECTIONS UNDER 35 U.S.C. SECTION 103

Claims 1,6-13 and 48-66 are rejected under 35 U.S.C. Section 103(a) as being obvious by various combinations of U.S. Patent No. 7,240,743 to Buss et al. ("*The Buss et al. Patent*"), U.S. Patent No. 6,601,440 to Chuang ("*The Chuang Patent*") and U.S. Patent No. 5,408,893 to McLeroy ("*The McLeroy Patent*"). For at least the reasons set forth below, it is submitted that these prior art rejections should be withdrawn and the pending claims allowed.

In the Response to Arguments in the Office Action dated February 23, 2010, the Examiner states that the Applicant's arguments filed October 19, 2009 are not persuasive because *The Buss et al. Patent* shows that "stabilization plates are disposed on the external surface of the probe body" and that "there is no indication that the stabilization plates be secured to the probe body but the claim language merely indicates 'disposed on' which limitation is met by Buss." The Examiner further notes that pegs 20a of the stabilization plates 20 are positioned beneath the ground...".

While the undersigned does not necessarily agree with the Examiner on all of these points, the independent claims have been amended to recite language reflective of the Examiner's comments in an effort solely to expedite prosecution of this application.

For example, claim 1 has been amended to recite that the stabilizing member is secured on an external side surface of the probe body...such that the stabilizing member is positioned completely beneath the ground. Similarly, claim 50 recites that the stabilizing member is secured to an outer side surface of the probe body to prevent flow of water between the stabilizing member and the probe body when located completely in the soil. Also, claim 66 recites that the stabilizing member is secured on an external side surface of the probe body such that said stabilizing member is positioned completely beneath the ground when the wireless sensor probe is inserted into the ground.

Thus for at least these reasons, the cited references fail to anticipate or make obvious the pending independent claims. Turning to the dependent claims, these claims depend from the independent claims and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Applicant: Dale K. Hitt  
Serial No.: 10/693,017  
Art Unit: 2856

PATENT  
Atty Docket: 625500-501

**CONCLUSION**

In view of the foregoing, it is submitted that pending claims 1, 6-13 and 48-66 are now in condition for allowance. Hence, an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any additional fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: April 7, 2010

  
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